IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 65/2003

SMT. NIRMLA DEVI Vs. SATYAPRAKASH SAMARIYA & ORS.

DATE: 09.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. M.I. Khan for the petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.
Mr. Jitendra Pandey for the accused-respondents.

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This criminal revision petition under Section 397 read with Section 401 Cr.P.C. is directed against the order dated 22.11.2002 passed by the Additional Sessions Judge (Fast Track), Gangapur City in Criminal Revision No. 65/2002, whereby the order dated 12.06.2001 passed by the A.C.J.M. Gangapur City in Criminal Case No. 414/2001 has been modified and set-aside the order of cognizance under Sections 452, 504 IPC and Section 3 of the SC/ST Act by upholding the order to the extent of Section 323 IPC.

Brief facts of the case are that FIR No. 641/2000 was lodged by the complainant-petitioner against the accused respondents with regard to an incident that had taken place on 12.09.2000. The police after investigation submitted the final report and

against the final report the complainant-petitioner filed a protest petition on 19.01.2001. The learned Magistrate conducted an enquiry under Section 200 and 202 Cr.P.C. and in the enquiry statements of the petitioner under Section 200 Cr.P.C. and the statements of the witnesses Jagdish, Srinarayan, Bhagirath etc. were recorded under Section 202 Cr.P.C. During the investigation the petitioner was also medically examined and having considered the medical report as well as the complaint, the trial Court has taken cognizance against the accused under Sections 323, 452, 504 IPC and Section 3 of the SC/ST Act vide order dated 12.06.2001.

The said order dated 12.06.2001 has been challenged by the accused-respondents by way of filing criminal revision before the Additional Sessions Judge (Fast Track), Gangapur City and the Additional Sessions Judge after considering all the aspects vide its order dated 22.11.2002, while upholding the order of the trial Court to the extent of offence under Section 323 IPC, has set-aside the order of cognizance for the offences under Sections 452, 504 IPC and Section 3 of the SC/ST Act.

The Revisional Court has considered each and every aspect as well as the factual aspect and the

record and it is found that litigation is pending between the parties and the allegations levelled against the accused-respondents are not found proved and only offence under Section 323 IPC is made out against the accused.

I have considered the rival submissions of the respective parties and have also gone through the record as well as the order impugned dated 22.11.2002.

The Revisional Court has not committed any error while setting aside the cognizance order and only uphold the order of the trial Court to the extent of Section 323 IPC. No interference whatsoever is required by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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